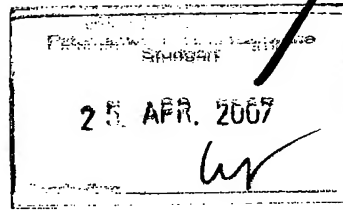


19 March 2007



PHILLIPS ORMONDE & FITZPATRICK
P O Box 323
Collins Street West
Melbourne
Victoria 8007
Australia

Patent Application No: 537860
In the Name of: EPOplus GmbH & Co. KG
Your ref: NZ13962/05

Examination Report

Thank you for your letter of 22 February 2007.

Receipt of amended pages 6, 6a, 27, 28 and 58-61 and a Patents Form 43 is acknowledged.

The following objections are made in response to the Applicant's amendments to the claims in the letter of 22 February 2007. Objections not reiterated from a prior Examination Report are considered withdrawn.

Regulation 23(2):

1. Neither a parent nor its divisional should include a claim for matter claimed in the other. The Commissioner may require amendment of the complete specification of either application to comply with Regulation 23(2).

Claims 1-18 of the present application overlap with claims 1-11, 25-29 and 35-40 of the divisional, 553426.

Section 10(4):

- 2.1 Claims 1-3 are unclear as each recites "EPOdosis." which appears to be a typographical error.
- 2.2 Claim 14: The terminology "a derivative, an analog, a modification or a mutein of" does not define the scope for which protection is sought and requires clarification.

Section 13:

3. The outstanding objection to claims 1-18, as set forth in the Examination Report of 5 April 2006, is maintained with respect to the following citations as it appears that the invention as claimed has been prior published in:

WO 02/14356
WO 02/085940

and (newly cited in this Examination Report)

US 5837675

These documents all disclose the use of EPO in the treatment of disease as claimed with what appear to be corresponding weekly dosage regimens as claimed. The applicant has pointed to the IPER issued in respect to PCT/EP03/08229 and the acknowledgement therein that claims 1-3 were novel over the cited art. However, it is respectfully pointed out to the applicant that the instant claims have been amended and comprise different limitations than those set forth in the original PCT filing

Regulation 32:

4. Figures 1 and 8-15 are not of a quality suitable for reproduction. Please supply copies of these figures in which the drawings are executed in sharp continuous lines.

Due to delay in the office and the new objection raised under Section 13, the time for completion of all matters has been extended under Section 93(1) and now expires on **9 January 2008**. An extension of time of up to three months may be requested under section 19(2).

Please note that a reply to this report may optionally be sent through our online correspondence facility at www.iponz.govt.nz (select 'Information Library', 'Using the IPONZ website', and 'NZ Online Correspondence - Overview').

Please contact me if you have any questions.

Yours sincerely

Dr. Jon B. Ashen
Senior Patent Examiner
For Commissioner of Patents, Trade Marks and Designs
Phone: +64 4 978 7593
mail@iponz.govt.nz